

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

James David Barnhart
Donna Jean Barnhart
Debtor(s)

Bankruptcy Case No.: 14-11320-TPA
Per April 10, 2018 Proceeding
Chapter: 13
Docket No.: 76 – 72, 75
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 5, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as to pre-petition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record: Wilmington Savings Fund (Claim No. 4)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

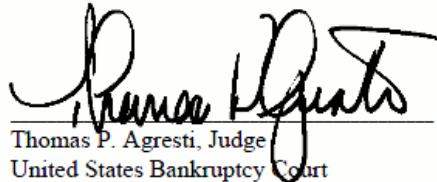
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: April 12, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 James David Barnhart
 Donna Jean Barnhart
 Debtors

Case No. 14-11320-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 28

Date Rcvd: Apr 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2018.

db/jdb +James David Barnhart, Donna Jean Barnhart, 424 Clinton Court, Meadville, PA 16335-2968
 cr +WELLS FARGO BANK, N.A., MAC X7801-014, 3476 Stateview Blvd., Fort Mill, SC 29715-7203
 13970530 +Comenity Bank / Lane Bryant, Po Box 182789, Columbus, OH 43218-2789
 13970532 +Credit Acceptance, Attn: Bankruptcy Dept, 25505 West 12 Mile Road, Suite 3000,
 Southfield, MI 48034-8331
 13970534 +Creditech / Chaly, Attn: Collections, Po Box 99, Bangor, PA 18013-0099
 13979360 +Department of Veterans Affairs, PO Box 530269, Atlanta, GA 30353-0269
 13970536 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 13979362 +Jamestown Pharmacy, 121 Liberty Street, PO Box 395, Jamestown, PA 16134-0395
 13979363 +Liberty Mutual, 100 Liberty Way, Dover, NH 03820-4597
 13979364 +MedCare Equipment Company LLC, PO Box 5029, Greensburg, PA 15601-5058
 13979902 +Midland Credit Management, Inc. as agent for, Asset Acceptance LLC, PO Box 2036,
 Warren, MI 48090-2036
 13970538 +Northwest Physician Associates, 1012 Water Street, Meadville, PA 16335-3468
 13994515 #+Penelec, FirstEnergy Corp., 331 Newman Springs Rd., Bldg 3, Red Bank, NJ 07701-6771
 13979365 +Phelan Hallinan, LLP, 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza,
 Philadelphia, PA 19103-1814
 13970539 +Saint Vincent Institute, 3530 Peach Street, LL 1, Erie, PA 16508-2768
 14039363 +WELLS FARGO BANK, N.A., ATTENTION: BANKRUPTCY DEPARTMENT, MAC # D3347-014,
 3476 STATEVIEW BOULEVARD, FORT MILL, SC 29715-7203
 13979366 +Wells Fargo Home Mortgage, PO Box 6423, Carol Stream, IL 60197-6423

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 13 2018 01:31:16
 Capital One Auto Finance c/o Ascension Capital Gro, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma, OK 73118-7901
 13970529 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Apr 13 2018 01:31:20
 Capital One Auto Finance, 3905 North Dallas Parkway, Plano, TX 75093-7892
 13988215 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 13 2018 01:31:16
 Capital One Auto Finance c/o AIS Portfolio, Services, LP f/k/a AIS Data Services,
 d/b/a/ Ascension Capital Group, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 13979358 +E-mail/Text: bankruptcy_notifications@ccsusa.com Apr 13 2018 01:27:09
 Credit Collection Services, Two Wells Avenue, Newton Center, MA 02459-3246
 13970533 +E-mail/Text: abovay@creditmanagementcompany.com Apr 13 2018 01:26:57
 Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 13979361 +E-mail/Text: bankruptcy@firstenergycorp.com Apr 13 2018 01:26:43 First Energy,
 Revenue Assurance, 1310 Fairmont Avenue, Fairmont, WV 26554-3526
 13970535 +E-mail/PDF: gecsed@recoverycorp.com Apr 13 2018 01:30:41 GE Money Bank / Walmart,
 Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 13979359 E-mail/Text: cio.bncmail@irs.gov Apr 13 2018 01:26:20 Department of the Treasury,
 Bureau of the Fiscal Service, PO Box 1686, Birmingham, AL 35201
 13970537 +E-mail/Text: mwetherbee@mmchs.org Apr 13 2018 01:26:55 Meadville Medical Center,
 1034 Grove Street, Meadville, PA 16335-2945
 13970540 E-mail/PDF: cbp@onemainfinancial.com Apr 13 2018 01:30:42 Springleaf Financial Services,
 Po Box 3251, Evansville, IN 47731
 14377786 +E-mail/Text: bkteam@selenefinance.com Apr 13 2018 01:26:19
 Wilmington Savings Fund Society, FSB, et al, c/o Selene Finance LP,
 9990 Richmond Ave, Suite 400 South, Houston, TX 77042-4546

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Selene Finance LP
 cr Wells Fargo Bank, N.A.
 13970531 ##+Commercial Acceptance, 2 West Main Street, Shiremanstown, PA 17011-6326

TOTALS: 2, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 28

Date Rcvd: Apr 12, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2018 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Donna Jean Barnhart dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor James David Barnhart dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Selene Finance LP bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor Wells Fargo Bank, N.A. pawb@fedphe.com,
james.prostko@phelanhallinan.com
Matthew Gregory Brushwood on behalf of Creditor WELLS FARGO BANK, N.A. pawb@fedphe.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Paul William Cressman on behalf of Creditor Wells Fargo Bank, N.A. pawb@fedphe.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8